



July 1, 1999

Mr. David M. Feldman
Feldman & Rogers, L.L.P.
12 Greeway Plaza, Suite 1202
Houston, Texas 77046

OR99-1829

Dear Mr. Feldman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125507.

The Fort Bend Independent School District (the "district"), which you represent, received a request for materials provided to the district by an attorney representing a district employee who has filed a grievance against the district. You claim that the requested information is excepted from disclosure under section 552.103 of the Government Code. You have submitted the responsive information to this office for review. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.103(a), the "litigation exception," excepts from disclosure information relating to litigation to which the state or a political subdivision is or may be a party. However, absent special circumstances, once information has been obtained by the opposing party to the litigation, *e.g.*, through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). In this case, the subject materials were supplied to the district by a representative of the potential adverse party. Therefore, there is no justification for withholding that information from the requestor pursuant to section 552.103(a) and it must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination

regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns".

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 125507

Encl. Submitted documents

cc: Mr. Steve Carpenter
Fort Bend/Southwest Sun
13735 Southwest Freeway
Sugar Land, Texas 77478
(w/o enclosures)